

FILED
2021 FEB 1 AM 10:15
CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MATHEW CLYDE,

Plaintiff,

v.

MY BUDDY THE PLUMBER, HEATING
AND AIR, LLC; G&A PARTNERS –
UTAH, LLC; BRANDON DUNCAN; and
DOES 1–10,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:19-cv-00756-JNP-CMR

District Judge Jill N. Parrish

Plaintiff Mathew Clyde (“Plaintiff”) filed a Motion for Leave to Amend Complaint to Add Additional Parties (the “Motion”). ECF No. 28. Magistrate Judge Cecilia M. Romero issued a Report and Recommendation that the Motion be denied because Plaintiff failed to demonstrate good cause under Federal Rule of Civil Procedure 16(b) for modifying the scheduling order, Plaintiff failed to establish excusable neglect, and Plaintiff failed to demonstrate that Federal Rules of Civil Procedure 19 or 21 required the addition of more defendants. ECF No. 67. Judge Romero notified Plaintiff that a failure to file a timely objection to the Report and Recommendation could waive any objections to it. Plaintiff did not file an objection within the allotted time.

Because Plaintiff did not object to the Report and Recommendation, he waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes that it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation Denying Plaintiff's Motion for Leave to Amend Complaint and Add Additional Parties (ECF No. 67) is ADOPTED IN FULL.
2. Plaintiff's Motion for Leave to Amend Complaint to Add Additional Parties (ECF No. 28) is DENIED.

DATED February 1, 2021.

BY THE COURT



Jill N. Parrish
United States District Court Judge